

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JUN 27 2002

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte MARTIN K. JONES

Application No. 09/163,588

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 18, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

According to the file wrapper, appellant filed an Information Disclosure Statement (IDS) on February 28, 2000 (Paper No. 5). A review of the application reveals that the IDS is missing. A copy of the IDS must accompany the record, and be considered by the primary examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the primary examiner's decision is required.

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Moreover, upon review of the Examiner's Answer mailed on March 20, 2001 (Paper No. 14), it appears that the appeal conference may have been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference participants must identify themselves as the conferees, along with placing their initials next to their name. This procedure has not been followed, thus raising the question of whether or not an appeal conference was held.

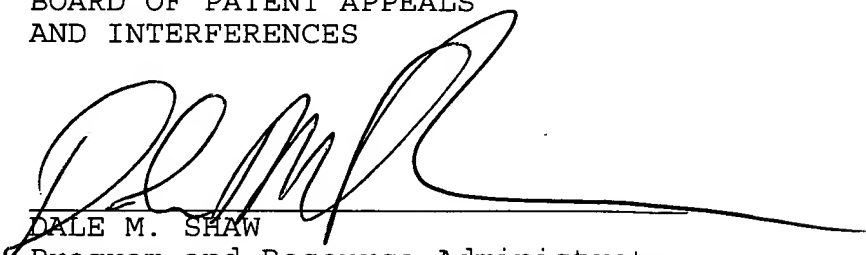
Accordingly, it is

ORDERED that the application is returned to the examiner resolution of the following issues:

- (1) to provide a copy of the IDS' filed on February 28, 2000 (Paper No. 5),
- (2) to consider the IDS filed on February 28, 2000 (Paper No. 5),
- (3) to notify appellant of consideration of IDS,
- (4) for the examiner to take corrective action regarding the appeal conference, and
- (5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:



DALE M. SHAW

Program and Resource Administrator

Application No. 09/163,588

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